REMARKS

1. We thank the examiner for allowing claims 90-93, 95-101, 110 and 111.

2. The Examiner has taken the position that in claim 105, the recitations of insertions or deletions of 1 to 5 amino acid residues is new matter, the specification having recited 2 to 5. Since 105 is merely a dependent claim, we have amended it to recite "2" instead of "1", without prejudice or disclaimer. (We remain of the opinion that "2" was a typographical error.) The basis for insertions of 1 to 5 residues is at P42, L6. The basis for deletion of 2 to 5 residues is at P42, L6.

3. As requested by the Examiner, withdrawn claims 30-47 and 62 have been cancelled, without prejudice or disclaimer, as drawn to an unelected invention.

4. In a telephonic interview, the Examiner advised counsel that a claim to a process of making the polypeptide of claim 12 (or other allowed polypeptide claim) could be presented and would be joined with the polypeptide claims pursuant to MPEP 821.04.

New claim 112 is directed to a method for producing the polypeptide according to claim 18, and is similar to former claim 26. New claim 113 is identical to former claim 27 save for its dependency on new claim 112.

New claims 114-117 recite assaying the polypeptide recovered in the method of claim 12, and are based on former assay claims 30, 34, 35 and 37.

5. Claims 12, 18-19, 75, 83, 87, 90-93, 95-101, 105, 108, and 100-111 are said to be "now directed to a product free of the prior art of record and would be allowable if amended as previously indicated to overcome the objections and new matter rejection previously applied".

Accordingly, we have made the following amendments:

(a) In claim 12, changed "a polypeptide of (a)" to "the polypeptide of (a)". (May 18 office action §1; current action

§3).

(b) In claim 83, changed "said sequence" to "that of the polypeptide of" (May 18 office action §2).

We believe that these clarifications address the referenced objections.

The only new matter rejection had been against claims 105-107 (OA §8). Claims 106 and 107, and claim 105 has been amended.

6. The Examiner has noted three instances of alleged trademark use, as follows:

(a) "Invitrogen" (page 59, line 23)

(b) "Qiagen" (page 61, line 5)

(c) "Stratagene" (page 60, line 8).

"Invitrogen", "Qiagen" and "Stratagene" are used on pages 59-61 as company names and not as trademarks. To appreciate the distinction, you can buy a TOYOTA® car from Toyota. The first usage of "Toyota" is as a trademark, the second is as a company name. You don't associate the trademark symbol with a company name; that would actually weaken the trademark.

7. The Examiner also objects to the use of embedded hyperlinks on page 56, line 24, page 51, line 2, and page 54, line 17, pursuant to MPEP 608.01 (VII).

The PTO's objection to embedded hyperlinks is that, if active, clicking on them transfers the user to a site over which the USPTO cannot exercise control.

This is a situation in which the codes themselves are part of the disclosure, i.e., they teach how to conduct a similarity search. If the hyperlink is removed, then an accused infringer might argue that the hyperlink is needed for enablement. While we don't think it is, we think the best solution for all concerned is to merely disable the hyperlink.

Hence, the offending text at page 51, line 2, which read

http://genome.cbs.dtu.dk

USSN - 09/983,025

now reads:

genome DOT cbs DOT dtu DOT dk

(hyperlink disabled to comply with MPEP 608.01(VIII)).

Likewise, page 54, line 17, which read

http:www.ncbi.nlm.nih.gov/BLAST/

now reads:

ncbi DOT nlm DOT nih DOT gov/BLAST/

(hyperlink disabled to comply with MPEP 608.01(VIII)).

Finally, at page 56, line 24, we replaced the link with "NIH's Blast webpage", the antecedent basis having been provided at P54, L17.

Respectfully submitted,

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